

REMARKS

Claims 1-64 are all of the claims pending.

The Examiner objects to Figures 1-9. The Examiner also alleges that Applicants failed to submit two non-patent literature publications in the IDS filed on June 13, 2006.

The Examiner also objects to the Abstract and to claims 7, 8, 49, 57, 62, and 64.

It is noted that the claim amendments herein, if any, are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability.

Further, it is noted that, notwithstanding any claim amendments made herein, Applicants' intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1, 9, 21, 45, 53, and 61-64 stand rejected under 35 USC §112, second paragraph, as allegedly being indefinite. Claims 21-26 stand rejected under 35 USC §101 as allegedly directed to non-statutory subject matter. Claims 1-64 stand rejected under 35 USC §102(e) as anticipated by US Patent Publication US 2006/0166653A1 to Xu et al.

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

As described and claimed in, for example, independent claim 1, the present invention is directed to a mobile communication system including a core network having a node with a packet switching function for packet data communication, a radio network controller, and a mobile terminal. A connection is set on an interface between the radio network controller and the node. A connection setting means sets the connection for multicast data communication separately from the connection for the packet data communication.

In the conventional method described beginning at line 15 on page 1 of the disclosure and more particularly at line 5-18 of page 5, the sharing of the PS service and the new, high-speed MBMS service causes processing contention as well as complexity in processing in the SGSN of the core network, as described beginning at line 19 of page 5.

In contrast, the present invention sets the connection for PS and MBMS separately, thereby eliminating the contention and reducing complexity.

II. THE DRAWING OBJECTIONS

The Examiner requires that Figure 8 be labeled “Prior Art”, presumably because the Examiner considers that this figure illustrates only that which is old. In response, Applicants respectfully disagree with the Examiner’s implication, since Figure 8 is merely showing the new, high-speed MBMS multicast service and applies equally well for discussion of the problem being addressed relative to the prior art shown in Figures 7 and 9 and for explaining the present invention, as clearly done at line 24 on page 15 of the disclosure: “*Next, when the MBMS service request from the mobile terminal 51 is the first one out of a plurality of mobile terminals being present in the same MBMS area 41 (see FIG. 8), the SGSN 12 requests of the Radio Network Controller 22 to establish the Iu connection 122 (steps B3,B3').*”

Therefore, since Figure 8 applies equally well to both the discussion of the prior art as well as the present invention, it would be improper to label this figure as being “Prior Art.”

The Examiner also objects to Figures 1-9 for failing to have a descriptive legend for the various acronyms. In response, Applicants respectfully submit that no such legend is required and such legend would only fill up the small amount of remaining space with useless information. Indeed, the only requirement for the figures is that of the numbers that correlate with the numbers in the discussion of the disclosure. Therefore, if anything, Applicants will be removing the acronyms completely, leaving only the numbers. However, most Examiners object to such presentation, since the use of acronyms and other text labels greatly assists in the understanding of the figures as opposed to having only the numbers.

Based on the above, Applicants respectfully request that the Examiner reconsider and withdraw these objections.

III. THE INFORMATION DISCLOSURE STATEMENT

In paragraph 3 on page 3 of the Office Action, the Examiner states that Applicants had failed to provide a copy of the non-patent literature documents “Samsung, Sharing Iu control bearer for MBMS” and “MBMS architecture aspects.”

For clarity of the record, Applicants note that the Examiner initialed the entry for a previous submittal of these two documents and that the later submittal was in error.

IV. THE ABSTRACT OBJECTION

The Examiner objects to the abstract for failing to define various acronyms. Although Applicants respectfully disagree that such revision is necessary, since the specification itself

defines these acronyms, in an effort to expedite prosecution, the abstract has been revised in a manner fully consistent with the Examiner's request.

Therefore, the Examiner is respectfully requested to reconsider and withdraw this objection.

V. THE CLAIM OBJECTIONS

The Examiner objects to claim 7, 8, 49, 57, 62, and 64 for failing to define acronyms at each instance. Applicants respectfully point out that such recital is not necessary but have amended the claims to address at least some of the Examiner's objections. It is noted that Applicants respectfully decline to incorporate the requested changes to 49 and 57, since it is believed that this terminology "PS Iu connection" is well understood in the art and is, moreover, clearly defined in the specification at lines 8 and 9 of page 2, should additional clarification be required by the reader.

Therefore, the Examiner is respectfully requested to reconsider and withdraw these objections.

VI. THE 35 USC §112, SECOND PARAGRAPH, REJECTION

Claims 1, 9, 21, 45, 53, and 61-64 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite because of the phraseology "multicast data communication faster than the packet data communication." Applicants respectfully traverse this rejection.

The Examiner suggests that Applicants clearly define how the multicast data communication is faster than the packet data communication in the claims.

In response, Applicants submit that the plain meaning of the claim language already clearly describes but have removed this terminology from the independent claims.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

VII. THE 35 USC §101 REJECTION

Claims 21-26 stand rejected under 35 USC §101 as allegedly directed to non-statutory subject matter due to the wording "computer readable program" of claim 21. Applicants respectfully point out that, to one having ordinary skill in the art, the word "program" implies a functionality with a computer as well as a process having process steps. Moreover, the descriptive "computer readable" clearly and inherently requires that the "program" is

functionally operable on a computer. Therefore, these claims clearly define a computerized process having clearly defined steps.

It is noted that a “process” is one of the four categories listed in 35 USC §101. Therefore, these claims are clearly directed toward statutory subject matter. However, in an attempt to expedite prosecution, Applicants have amended the preamble of claim 21 to incorporate wording from the Guidelines.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

VIII. THE PRIOR ART REJECTION

The Examiner alleges that Xu anticipates the present invention described by claims 1-64. Applicants respectfully disagree, as follows.

First, relative to claims 1, 9, 15, 21, 27, 33, 39, 45, 46, 53, 54, and 61-64, it is first noted that the rejection currently of record attempts to address only the wording of independent claims 1, 9, 15, and 21. There is no attempt to address the wording of independent claims 27, 33, 39, 45, 53, 61, 62, 63, or 64.

Accordingly, Applicants submit that the rejection currently of record fails to provide a *prima facie* rejection for claims 27, 33, 39, 45, 53, and 61-64, or any claims depending therefrom. Therefore, Applicants respectfully request that the Examiner provide a reasonably complete rejection on the record for these claims, including specific lines for each detail of these claims or, in the alternative, how the language of Xu is being interpreted so as to reasonably satisfy the plain meaning of the claim language.

That is, Applicants respectfully submit that Xu et al. does not disclose or even suggest “.... said record signaling connection is set separately from said first signaling connection.”

Second, relative to independent claims 1, 9, 15, and 21, the Examiner relies upon the description in paragraphs 37 and 38 and elements 123 and 150 of Figure 1.

Applicants respectfully submit, however, that, absent additional clarification by the Examiner, the rejection currently of record fails to satisfy the plain meaning of the claim language. That is, as best understood, the Examiner reasonably relies upon SGSN 123 of Figure 1 as involved in the packet data communication, since the present application describes at lines 8-11 of page 2 that the PS Iu, the logical connection 121 shown in Figure 9 as being associated with the “packet data communication” terminology used in these independent claims. The Examiner also reasonably attributes BM-SC 150 as being

associated with multicast service, as described in paragraph [0038] of Xu.

However, Applicants submit that such association between SGSN 123 for packet data communication and BM-SC 150 for multicast service does not satisfy the plain meaning of the final limitation of these independent claims, since there is only one interface shown in Figure 1 between SGSN 123 and the radio network controller (RNC) 112.

Independent claim 1 requires that separate connections be made for the packet data communication and the high-speed multicast data communication. Neither Figure 1 nor the description in paragraphs [0038] and [0039] provides any suggestion of using two separate logical connections between the RNC 112 and SGSN 123 (e.g., one for data packets and one for multicasting).

Indeed, assuming the correlation of terminology as the Examiner seems to interpret, the discussion in Xu is completely consistent with the discussion beginning at line 22 on page 3 of the disclosure of the present application, wherein is described that when the Iu connection for the PS domain is already established, the PS Iu can be used also for MBMS signaling (e.g., the multicast data communication). As explained beginning at line 5 of page 5, such sharing of the PS Iu can cause processing contention and increased complexity.

In contrast, as shown in Figure 1 of the present application, the present invention teaches that the MBSM Iu connection 122 be completely separate from the PS Iu connection 121. Xu has no suggestion for such separate Iu connections for the PS and the MBSM, at least not in the locations in Xu to which the Examiner points.

Hence, turning to the clear language of the claims, there is no teaching or suggestion of “...connection setting means for setting the connection for multicast data communication faster than the packet data communication, separately from the connection for the packet data communication”, as required by independent claim 1. Independent claims 9, 15, and 21 have similar language.

Similarly, relative to various other independent claims, including particularly claims 45, 53, and 61, there is no teaching or suggestion in Xu of: “... said second signaling connection is set separately from said first signal connection”, or similar language.

Moreover, relative to the rejection for dependent claims 7, 8, 47-52, and 54-58, Applicants respectfully request that the Examiner identify specific lines that demonstrate the claim language, since the locations cited in the rejection currently of record do not appear to provide details sufficient to establish the plain meaning of the claim language of these claims.

Therefore, for the reasons stated above, the claimed invention is fully patentable over

the cited references, and the Examiner is respectfully requested to reconsider and withdraw this rejection based on Xu.

IX. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-64, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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Frederick E. Cooperrider
Registration No. 36,769

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254